IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Bail Appl..No. 3246 of 2007()

CC.18/2007 of J.M.F.C.-II, KANNUR

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PETITIONER : ACCUSED:

FIRDOUS MUSAFI,
S/O.MUSTAFA, AGED 30, KANNUR AMSOM,
DESOM,
KANNUR KARA.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3246 OF 2007 A

Dated this the 1st day of June, 2007

O R D E R

Petitioner, who is the 1st accused in C.C. No.18/2007 on the file of JFCM-II, Kannur for an offence punishable under Sec.498A read with sec.34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. No.18/2007 on the file of the J.F.C.M.-II, Kannur, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case has been acquitted after trial.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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